

Remarks

Claims 1 and 6 have been amended. Claims 7 and 8 are cancelled. Claims 16 and 17 are new.

The Applicants note with appreciation the Examiner's acknowledgement that Claim 5 is allowable over the cited documents.

Claims 1, 4 and 6-15 remain rejected under 35 USC §103(a) over Tashiro. The rejection states that Tashiro teaches a method of stirring the solution in which electromagnets move magnetic particles and maintain the particles in the upper portion of the reaction vessel and points to Fig. 2 as support.

The rejection further equates the probes/dots stamped on the slide glass with a "carrier and/or container which have a convex/concave structure." Specifically, on page 6 of the Official Action, the rejection states that Tashiro discloses probes/dots stamped on the slide glass and that "[i]t is well known that circular probes and/or stamped dots encompass convex concave structures." However, this statement is in direct contrast with page 4 of the Official Action that provides "it is well known that circular drops of liquids develop flat surface [sic] when they are placed on a flat surface." The Applicants are at a loss to explain the mutually incompatible explanations of the "structure" of the stamped probes or dots being "well known" to encompass a convex/concave structure while also developing a flat surface.

In any event, the Applicants maintain that Tashiro fails to disclose, teach or suggest a carrier and/or container having a convex/concave structure. As discussed in the previous Response, Tashiro discloses a reaction vessel having only a flat, featureless surface onto which probes and dots are immobilized. Moreover, any structural dimension formed by stamping of dots or probes on a glass slide would be sub-microscopic and, thus, could not reasonably be construed as a convex/concave structure on the slide.

However, Claim 1 has been amended to recite a "carrier and/or container which have a convex/concave structure forming a space that receives the fine particles or air bubbles." As shown in Figs. 1 and 2 of the Applicants' specification, the convex/concave structure of either the carrier or the container forms cavities into which the fine particles or air bubbles are placed and the fine particles or air bubbles are retained in the cavities during stirring. Because the fine particles or air bubbles cannot escape the cavities, they are unable to contact the selective binding substance.

immobilized surface. The Applicants respectfully submit that even if the stamped probes or dots were to encompass a convex or concave structure, they would be distinct from a “convex/concave structure forming a space that receives the fine particles or air bubbles.” Accordingly, the Applicants respectfully submit that Tashiro fails to teach or suggest each and every element of the rejected claims.

With regard to Claims 6 and 11, the Applicants further submit that amendment of Claim 6 to recite that the relative width dimensions of the structures and the particles distinguishes over the cited documents. Indeed, as indicated on page 5 of the Official Action, a physical structure wherein the size of the particle is dictated by the distance between the container and the substance supporting material is allowable over the cited documents. Reconsideration and withdrawal of the rejection are respectfully requested.

In light of the foregoing, the Applicants respectfully submit that the entire application is now in condition for allowance, which is respectfully requested.

Respectfully submitted,


T. Daniel Christenbury
Reg. No. 31,750
Attorney for Applicants

TDC/vbm
(215) 656-3381